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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,056

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EXAMINER

RADA, ALEX P

ART UNIT

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3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,056	Applicant(s) ARNAU MANRESA ET AL.	
	Examiner ALEX P. RADA	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/21/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3714

DETAILED ACTION

Preliminary Amendment

In response to the Preliminary Amendment filed 21 April 2005 wherein applicant amends claim 7 and claims 1-12 are pending in this application.

Claim Objections

1. Claim 1 is objected to because of the following informalities: The word "At" in claim 1 section (a) should not be capitalized. The same applies to claim 1 section (b). Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-5, 7 and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claims 2-3, contains an "and/or" because its is unclear if the limitations are not necessary exclusive.

5. Regarding claims 2 and 12, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Art Unit: 3714

6. Regarding claim 11, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

7. Claim 4 recites the limitation "DS" in line 2. There is insufficient antecedent basis for this limitation in the claim. The same applies to claims 5 and 7

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok (EP 0,574,634) in view of Frades (EP 0,070,933).

Regarding claims 1 and 10, Kwok discloses a control system for electronic toy vehicle comprising: (a) At least a control system, transmitter, associated to the control for transmitting signals that dominate the operation of the vehicle (col. 2, line 31 to col. 3, line 35; wherein the control system regarding the transmitter is discussed); (b) At least a control system, receiver, to receive the signals, integrated on the vehicle (col. 2, line 31 to col. 3, line 35; wherein the control system regarding the receiver is discussed); and (c) means of performance associated to the receiver (col. 2, line 31 to col. 3, line 35; wherein the performance of the receiver is discussed); being the signals sent from the transmitter associated to the control (col. 2, line 31 to col. 3, line 35), in digital waveform, consisting of a temporary weft of pulses in series composed by first pulses that carry an

Art Unit: 3714

authentication code of the vehicle foreseen to be compared with a reference code of the mentioned receiver (col. 2, line 31 to col. 3, line 35), followed of second pulses that carry an operative command about the operation of the vehicle (col. 2, line 31 to col. 3, line 35), in such a way that the second pulses are only processed if the receiver validates the authentication code (col. 2, line 31 to col. 3, line 35).

Regarding claims 2, 11 and 12, Kwok discloses (a) a control system, transmitter, capable of transmitting signals of information as for example position, crosses or parking, in certain points of the circuit or other incidences of the vehicle during its movement on the track (col. 2, line 31 to col. 3, line 35); (b) electromagnetic and/or mechanical means that interact with the mentioned transmitter to activate the transmission of the mentioned information (col. 2, line 31 to col. 3, line 35); and (c) a management and control unit of the information to which the control is associated, that is at least one; where the signals from the transmitter associated to the vehicle are digital waveform composed by first pulses that carry an authentication code foreseen to be compared with a reference code by the station (col. 2, line 31 to col. 3, line 35), followed of second pulses that carry a message (col. 2, line 31 to col. 3, line 35) as for example an information about the position, crosses or parking in certain points of the circuit or similar situations or operative conditions of the vehicle.

Kwok is silent in regards to the signals are applied on at least one electroconductive track capable of being shared temporarily by at least two vehicles equipped with the respective mentioned receivers.

Frades teaches control system for electronic toy vehicles having electronic toy vehicles being controlled on an electroconductive track. Frades teaches that each of electronic toy vehicles is capable of having different signals for each toy vehicle via the electroconductive track. Two toy vehicles are capable of sharing the same track having different signals for each of the toy vehicles.

Art Unit: 3714

By having the signals applied on at least one electroconductive track shared by at least two vehicles, one of ordinary skill in the art would provide a toy vehicle racing system that will allow the toy vehicles to travel along any part of the track and the vehicles can be placed in lines behind one another or parallel to one another in the same manner as in real racing.

Regarding claim 3, Frades teaches that the electromagnetic and/or mechanical means includes a first part included in the vehicle (figures 1-3; wherein the mechanical means are the brushes made of conductive material to contact the electromagnetic track), capable of detecting the electromagnetic and/or mechanical excitation generated by a second part constituted by different devices associated to the guide groove (figures 1-3).

Regarding claim 4, Frades teaches that the signals are applied on electroconductive tracks of power supply transmission for the mentioned micromotor (figures 1-3).

Regarding claim 5, Frades teaches that the signals are comprised between a first level of voltage of predetermined feeding and a second level voltage superimposed on a power signal to the first level voltage predetermined, circulating all of the signals by the same power electroconductive tracks (figures 1-3; wherein the oscillator and a frequency divider supply a signal having a plurality of different frequency component signal via the conductive strips on the track to determine the correct level of voltage in the form of the different frequencies from the frequency divider).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kwok to include signals are applied on at least one electroconductive track capable of being shared temporarily by at least two vehicles equipped with the respective mentioned receivers as taught by Frades to provide a toy vehicle racing system that will allow the toy vehicles to travel along any part of the track and the vehicles can be placed in lines behind one another or parallel to one another in the same manner as in real racing.

Art Unit: 3714

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok (EP 0,574,634) in view of Frades (EP 0,070,933) as applied to claim 1 above, and further in view of Kawamura et al. (US Pub. No. 2002/0037760).

Kwok in view of Frades disclose the claimed invention as discussed above but is silent in regards to store a registry of the signal sent by the vehicle with the purpose of making a later analysis of the races done and preparation of game programs.

Kawamura et al. (hereafter Kawamura) teaches system having a race condition extraction unit capable extracting past race results and using the extracted information for analysis on upcoming races based on past racing information. By storing past racing statistical information, one of ordinary skill in the art would provide a system that can predict the outcomes of current racing events based on past racing analysis and results.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kwok to further include storage of racing information as taught by Kawamura to provide a system that can predict the outcomes of current racing events based on past racing analysis and results.

11. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok (EP 0,574,634) in view of Frades (EP 0,070,933) as applied to claim 1 above, and further in view of Nakagawa et al. (US 5,601,490).

Kwok in view of Frades disclose the claimed invention as discussed above but is silent in regards to a retractable element capable of interacting with means intercalated in a section of the track to make a change of track defined by a different guide groove; and the means to make a change of track are integrated inside the guide grooves, in zones where the same ones have bifurcations.

Art Unit: 3714

Nakagawa et al. (hereafter Nakagawa) teaches a track racing system having a retractable element capable of changing tracks in certain section of the course (figures 7-8 and col. 8, 3-26). By having the ability to change the vehicles track positions, one of ordinary skill in the art would provide a greatly increased unpredictability about how a race proceeds, so that a player can play the racing game with higher anxiety and with higher interest.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kwok to further include a retractable element capable of interacting with means intercalated in a section of the track to make a change of track defined by a different guide groove; and the means to make a change of track are integrated inside the guide grooves, in zones where the same ones have bifurcations as taught by Nakagawa to provide a greatly increased unpredictability about how a race proceeds, so that a player can play the racing game with higher anxiety and with higher interest.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX P. RADA whose telephone number is (571)272-4452. The examiner can normally be reached on Monday - Thursday, 09:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. P. R./
Examiner, Art Unit 3714

/Peter D. Vo/
Supervisory Patent Examiner, Art Unit 3714